

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 18853 of 2007(T)

AGAINST THE ORDER DATED 13/04/2007 IN IA. 974 /2007 IN
OS.129/2007 of PRINCIPAL SUB COURT,KOLLAM
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PETITIONER:

VALSALA SASIDHARAN,
SREEVALSAM, T.R.A.9, THEVALLY,
KOLLAM.

BY ADV. SRIBECHU KURIAN THOMAS

RESPONDENTS:

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1. G.JAYAN, VIJAYALAYAM,
THIRUMULLAVARAM, KOLLAM.
 2. MANAGER,
LORD KRISHNA BANK, KOLLAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N. KRISHNAN, J.

WP(C).No. 18853 OF 2007 T

Dated this the 20th June, 2007.

JUDGMENT

This writ petition is filed seeking to quash Ext.P6 order passed in O.S.129/07 of the Subordinate Judge's Court, Kollam. The learned Subordinate Judge just on the eve of the summer vacation, i.e on the last day passed an order directing the first respondent to furnish security for the plaint amount within fifteen days or to appear and show cause why security shall not be furnished and in the meantime issue conditional attachment. So, the order is very clear that a show cause notice is given in order to show cause why there shall not be a direction to furnish security and only a conditional attachment is made. So, it is purely in the form of an interim order before hearing the parties. So the remedy is always there for the party to move the very same court after filing the counter statement and request the court to pass appropriate orders on merits, including the right of the plaintiff to get an order of attachment. It is submitted that a counter statement has been filed long back prior to 13/4/2007 and it has not been considered by the court below. Therefore, this writ petition is disposed of directing the Subordinate Judge, Kollam to consider the objection filed by the writ

petitioner herein and dispose of the matter in accordance with law after hearing both sides, within a time frame of six weeks from today.

M.N.KRISHNAN
Judge

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